IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 34187 of 2006(T)

PETITIONER:

VAISHNAVAN BABU, AGED 45,
S/O. BALABADRAN, PANICKASSERIL HOUSE,
BEACH WARD, ALAPPUZHA.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENTS:

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1. STATE OF KERALA, REP. BY
SECRETARY, MINISTRY OF HOME AFFAIRS,
TRIVANDRUM.

2. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
ALAPPUZHA.

3. CIRCLE INSPECTOR OF POLICE,
ALAPPUZHA SOUTH POLICE STATION,
ALAPPUZHA.

4. THE SUB INSPECTOR OF POLICE,
ALAPPUZHA SOUTH POLICE STATION,
ALAPPUZHA.

5. THE MANAGER,
STATE BANK OF INDIA,
AGRICULTURAL DEVELOPMENT BRANCH,
MULLACKAL, ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:A TRUE CPHOTOCOPY OF THE REGISTRATION CERTIFICATE PERTAINING TO THE TATA 407 VEHICLE BEARING REG.NO.KL 04-R-8766.

EXT.P2:A TRUE PHOTOCOPY OF THE GOODS CARRIAGE PERMIT ISSUED BY THE MOTOR VEHICLES DEPARTMENT.

EXT.P3:A TRUE PHOTOCOPY OF THE DEMAND TO CLOSE THE LOAN TRANSACTION DATED 28.10.06.

EXT.P4:A TRUE PHOTOCOPY OF THE RECEIPT OF THE NOTICE.

EXT.P5:A TRUE PHOTOCOPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER TO THE RESPONDENTS 4,3 & 2.

EXT.P6:A TRUE PHOTOCOPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT.

EXT.P7: TRUE PHOTOCOPY OF THE TELEGRAM.

RESPONDENT'S EXHIBITS

EXT.R1: COPY OF TELEGRAM.

EXT.R2: COPY OF STATEMENT DUES TO SBI, ALAPUZHA

EXT.R3: PHOTOSTAT COPY OF TELEGRAM RECEIVED IN PUNNAPRA POLICE STATION.

/TRUE COPY/

P.A TO JUDGE

R.BASANT, J

W.P(C).No.34187 of 2006

Dated this the 19th day of February, 2007

J U D G M E N T

The grievance of the petitioner is that Ext.P5 complaint submitted by him though received by the police, no action has been taken on such complaint. That complaint is dated 15.12.06.

2. The learned Government Pleader was directed to take instructions. The learned Government Pleader now submits that a crime has been registered as Crime No.44 of 2007 of Alappuzha South Police Station and the investigation is now continuing. Though belated, I take note that steps have been taken and the investigation is in progress. In these circumstances, I am satisfied, that no further directions deserve to be issued.

3. This W.P(C) is, in these circumstances, dismissed, accepting the submission that a crime has been registered and the investigation is in progress as stated above.

(R.BASANT, JUDGE)

rtr/-

The grievance of the petitioner is that Ext.P5 complaint, alleging removal of his vehicle by goondas by manhandling the driver and criminally intimidating him, though received by the police, did not evoke any action on the part of the police. A statement has been filed by the respondent. It shows clearly that the complaint has been received. If complaint alleging commission of cognizable offences is received by the police, the police is duty bound to register a crime. The learned Government Pleader on instructions concedes that the

complaint has been received revealing commission of cognizable offences. The learned Government Pleader prays for time to do the needful. The needful shall be done within a period of 7 days.

2. Call on 15.02.07 for consideration of further submissions to be made by the Government Pleader.

(R.BASANT, JUDGE)

rtr/-